

PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of Ansmann et al., a divisional under 37 C.F.R. § 1.53(b) of:

Appl. No. : 09/308,084
Filed : 05/12/99
Title : COSMETIC PREPARATIONS

Grp./A.U. : 1619
Examiner : D. Jones

CERTIFICATE OF MAILING PER 37 C.F.R. §1.8

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Typed or printed name of certifier

Box Patent Application
Assistant Commissioner for Patents
Washington, DC 20231

Attn: Application Branch

PRELIMINARY AMENDMENT

Sir:

Preliminary to examination, please amend the instant application as follows.

IN THE SPECIFICATION:

At page 1, line 1, delete "Field of the Invention", and insert --Background of the Invention--.

At page 1, line 7, delete "Prior Art".

09/308,084-01601

Enter a new page 23, submitted herewith, containing the Abstract of the Disclosure.

In the Claims:

Cancel claims 1-10, without prejudice.

Please enter the following claims.

11. (new) A pearlescent composition comprising:

(a) a dialkyl ether corresponding to formula (I):



wherein R¹ and R² independently of one another represent linear or branched alkyl and/or alkenyl groups having from 12 to 22 carbon atoms;

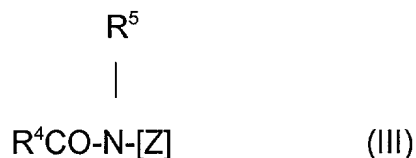
(b) a cationic polymer; and

(c) an emulsifier selected from the group consisting of a fatty acid-N-alkyl polyhydroxyalkyl amide, an alkyl ether sulfate, a betaine, and mixtures thereof.

12. (new) The composition of claim 11 wherein the dialkyl ether is distearyl ether.

13. (new) The composition of claim 11 wherein the cationic polymer is selected from the group consisting of cationic cellulose derivatives, cationic starches, copolymers of diallyl ammonium salts and acrylamides, quaternized vinyl pyrrolidone/vinyl imidazole polymers, condensation products of polyglycols and amines, quaternized collagen polypeptides, quaternized wheat polypeptides, polyethyleneimines, cationic silicone polymers, copolymers of adipic acid and dimethylaminohydroxypropyl diethylenetriamine, copolymers of acrylic acid with dimethyl diallyl ammonium chloride, polyaminopolyamides, cationic chitin derivatives, condensation products of dihaloalkyls with bis-dialkylamines, quaternized ammonium salt polymers, and mixtures thereof.

14. (new) The composition of claim 11 wherein the emulsifier is a fatty acid-N-alkyl polyhydroxyalkyl amide corresponding to formula (III):



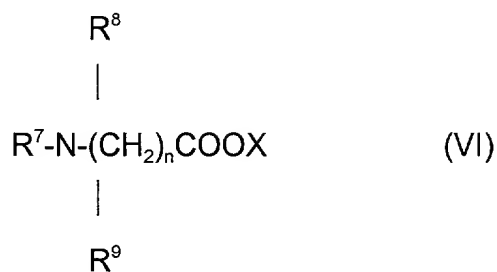
wherein R^4CO is an aliphatic acyl group containing from 6 to 22 carbon atoms, R^5 is an alkyl or hydroxyalkyl group containing from 1 to 4 carbon atoms and $[\text{Z}]$ is a linear or branched polyhydroxyalkyl group containing from 3 to 12 carbon atoms and from 3 to 10 hydroxyl groups.

15. (new) The composition of claim 11 wherein the emulsifier is an alkyl ether sulfate corresponding to formula (V):



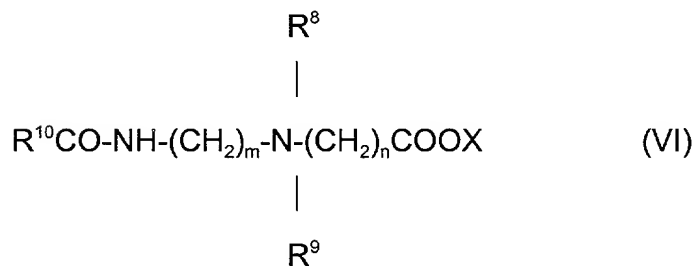
wherein R^6 is a linear or branched alkyl and/or alkenyl group containing from 6 to 22 carbon atoms, x is a number from 1 to 10, and X is selected from the group consisting of an alkali metal, an alkaline earth metal, ammonium, alkylammonium, alkanolammonium and glucammonium.

16. (new) The composition of claim 11 wherein the emulsifier is a betaine corresponding to formula (VI):



wherein R^7 is an alkyl and/or alkenyl group containing from 6 to 22 carbon atoms, R^8 is hydrogen or an alkyl group containing from 1 to 4 carbon atoms, R^9 is an alkyl group containing from 1 to 4 carbon atoms, n is a number from 1 to 6 and X is an alkali metal, an alkaline earth metal or ammonium.

17. (new) The composition of claim 11 wherein the emulsifier is a betaine corresponding to formula (VII):



wherein R^{10}CO is an aliphatic acyl group having from 6 to 22 carbon atoms and up to 3 double bonds, m is a number from 1 to 3, R^8 is hydrogen or an alkyl group containing from 1 to 4 carbon atoms, R^9 is an alkyl group containing from 1 to 4 carbon atoms, n is a number from 1 to 6 and X is an alkali metal, an alkaline earth metal or ammonium.

18. (new) The composition of claim 11 containing from 1 to 15% by weight of the dialkyl ether, from 1 to 15% by weight of the cationic polymer, and from 70 to 98% by weight of

the emulsifier, all weights being based on the total weight of the composition.

19. (new) The composition of claim 11 wherein the dialkyl ether has an average particle size of from 0.1 to 20 Fm.

20. (new) A cosmetic composition comprising:

(a) from 0.1 to 5% by weight of a dialkyl ether corresponding to formula (I):



wherein R¹ and R² independently of one another represent linear or branched alkyl and/or alkenyl groups having from 12 to 22 carbon atoms;

(b) from 0.1 to 5% by weight of a cationic polymer;

(c) from 1 to 50% by weight of an emulsifier selected from the group consisting of an alkyl and/or alkenyl oligoglycoside, a fatty acid-N-alkyl polyhydroxyalkyl amide, an alkyl ether sulfate, a betaine, and mixtures thereof; and

(d) remainder, water, all weights being based on the total weight of the cosmetic composition.

21. (new) A process for imparting pearlescent properties to a cosmetic composition comprising adding a pearlescent-effective amount of the pearlescent composition of claim 11 to the cosmetic composition.

22. (new) The process of claim 22 wherein the cosmetic composition is selected from the group consisting of a hair shampoo, a hair lotion, a foam bath, and a skin creme.

REMARKS/ARGUMENTS

Claims 11-22 are currently pending in the instant application and are directed to the non-elected species of the parent application of which this application is a divisional.

The Specification has been amended to include the preferred section headings pursuant to 37 C.F.R. §1.77. An Abstract of the Disclosure in accordance with the abstract of the corresponding international publication has been added on a separate sheet following the claims. All of the amendments to the Specification constitute deletions of original section headings and/or paragraphs, and insertions or additions of new section headings and/or paragraphs. It is submitted that the amendments to the Specification made herein introduce no new matter. Their entry is therefore proper and respectfully requested. Accordingly, pursuant to 37 C.F.R. §1.121(b)(1)(iii), no separate page captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE" is necessary.

Prompt examination of the instant application in view of the amendments made herein is respectfully requested.

Respectfully submitted,



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